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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED
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CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
DEPUTY

UNITED STATES OF AMERICA, Plaintiff, v. **Ricardo HERRERA-Arteaga,** Defendant	Magistrate Docket No. '08 MJ 1338 COMPLAINT FOR VIOLATION OF: Title 8, U.S.C., Section 1326 Deported Alien Found in the United States

The undersigned complainant, being duly sworn, states:

On or about **April 28, 2008** within the Southern District of California, defendant, **Ricardo HERRERA-Arteaga,** an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT
James Trombley
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 29th DAY OF APRIL, 2008.

Nita L. Stormes
UNITED STATES MAGISTRATE JUDGE

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CONTINUATION OF COMPLAINT:
Ricardo HERRERA-Arteaga

PROBABLE CAUSE STATEMENT

On April 28, 2008, Senior Patrol Agent R. Garcia was patrolling near Barrett Junction, California. At approximately 5:50 a.m. Agent Garcia responded to a citizen's call of an individual walking on State Route 94 near in an area known as Harvey Dennison's. This area is located approximately five and one quarter miles west of the Tecate, California Port of Entry, and approximately four miles north of the International Border Boundary between Mexico and the United States.

Agent Garcia responded and found one individual walking westbound on State Route 94. Agent Garcia identified himself as a United States Border Patrol Agent and conducted an immigration inspection. The individual, later identified as the defendant **Ricardo HERRERA-Arteaga**, stated that he had been born in Mexico and was a citizen of Mexico without any valid U.S. Immigration documents allowing him to enter into or remain within the United States legally. The defendant was arrested and transported to the United States Border Patrol Brown Field Station for processing.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to Mexico on **03/25/2008 through Laredo, Texas**. These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

The defendant was advised of his Miranda Warnings and was willing to make a statement without an attorney present. The defendant freely admitted to being a citizen and national of Mexico illegally present in the United States without the proper documentation. He further stated he did not apply for permission to re-enter the United States after being deported. He stated he was going to El Cajon, California to look for work.